IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16366 of 2004

Between:

Shaik Imamuddin Javeed Public Charitable Trust, Rep. by its Managing Trustee, SAK Jeelany, S/o. Shaik Imam Shaheb, Muslim aged 74 yrs, Managing Trustee, Vijayawada - 520 008.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Vijayawada,

Vijayawada.
2 The A.P. Industrial Infrastructure Corporation Limited,

Vijayawada Industrial Area, Rep. by its Commissioner and Dy.

Zonal Manager, Industrial Area, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or Direction more particularly in the nature of a Writ of Mandamus declaring the action of the Respondent in enhancing the Property Tax in relation to the property of the Petitioner's Bearing Assessment No. 40946 without considering the order of the III Addl. Senior Civil Judge, Vijayawada dated 28-03-2002 in CMA No. 388/2001 and also the representations of the Petitioner dated 20-10-2001, 11-08-2003 and 11-02-2004 as illegal, arbitrary, against to the principles of Natural Justice and also consequently to set aside the same and to direct the authorities to conduct proper enquiry on the Applications of the Petitioner from 20/10/2001 in relation to the Property of the Petitioner Bearing Assessment No.

40946

Counsel for the Petitioner:MR.AMBADIPUDI SATYANARAYANA

Counsel for Respondent No.1: MR.T.S.VENKATA RAMANA

Counsel for Respondent No.2:MR.E.MADAN MOHAN RAO

The Court at the stage of admission made the following :

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Heard learned counsel for the parties. With their consent, the matter is disposed of at this stage.

The petitioner shall deposit the amount of arrears @Rs.3,699/- per month (Rupees Three Thousand Six Hundred and Ninety Nine only) till date, within a period of two weeks. It is submitted that representation is also pending before the second respondent against the present demand and making of the representation is a statutory right of the petitioner. Therefore, we dispose of the writ petition, at this stage, directing the second respondent to consider the representation of the petitioner after the arrears of rent, as directed by us, hereinabove are paid. Representation shall be considered, within a period of two weeks, after the arrears are deposited. If the arrears are not deposited, within the period stipulated by us, the respondents would be at liberty to proceed against the petitioner. No order as to costs.

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(BILAL NAZKI, J)

25th October, 2004.

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(S.ANANDA REDDY, J)

Note:Furnish C.C in two days

B/o

vrn

To

1 The Commissioner, Municipal Corporation of Vijayawada,

Vijayawada.

2 The Commissioner and Deputy Zonal Manager, A.P. Industrial

Infrastructure Corporation Limited, Vijayawada Industrial Area,

Vijayawada.

3 Two C.D copies